

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
NW Kenmont Court at Marbrook Court  
2 Kenmont Court  
3rd Election District  
1st Councilmanic District  
Melvin Trosch, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 93-13-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 44 ft. in lieu of the required 50 ft. for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of Sept., 1992 that the Petition for a Zoning Variance from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 44 ft. in lieu of the required 50 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 9/18/92  
By THH/for

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

September 16, 1992

Mr. and Mrs. Melvin R. Trosch  
2 Kenmont Court  
Owings Mills, Maryland 21117

RE: Case No. 93-13-A  
Petition for Residential Zoning Variance  
2 Kenmont Court

Dear Mr. and Mrs. Trosch:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
att.



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 KENMONT COURT, OWINGS MILLS, MD  
which is presently zoned RE-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3 To allow a side yard setback of 44' in lieu of the required 50'.

addition to bedroom on side of house with angled property line causes portion of addition outside of building envelope. Property is to be posted and advertised as prescribed by Zoning Regulations 1 or we agree to pay expenses of above variance advertising, posting, etc. upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner/owner  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Name Address and phone number of legal owner (must be completed and to be contacted)  
Name Address and phone number of legal owner (must be completed and to be contacted)  
Name Address and phone number of legal owner (must be completed and to be contacted)

A Public Hearing has been requested and/or held to be required. It is ordered by the Zoning Commissioner of Baltimore County, this 16 day of September, 1992, that the subject matter of this petition be set for public hearing, advertisement, or review to the Zoning Board of Appeals of Baltimore County, at the time and place of general circulation through Baltimore County, and that the property be posted.

REVIEWED BY: 6 DATE: 8/6  
ESTIMATED POSTING DATE: 8/23/92  
ITEM #: 39

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2 KENMONT COURT  
OWINGS MILLS, MD. 21117

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (include hardship or practical difficulty):

Addition to bedroom on side of house with angled property line causes portion of addition outside of building envelope.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Melvin R. Trosch*  
Melvin R. Trosch  
*Helaine G. Trosch*  
Helaine G. Trosch

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 4th day of August, 1992, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

Melvin R. Trosch & Helaine G. Trosch

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 4, 1992

NOTARY PUBLIC  
My Commission Expires: JANUARY 1, 1993

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 2 KENMONT CT.  
(address)

Beginning at a point on the NORTHWEST corner of KENMONT street on which property fronts) (north, south, east or west) (name of street) which is 50' (number of feet of right-of-way width) wide at the distance of 0' (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street MARBROOK RD (name of street) which is 50' wide. \*Being Lot # 3 Block E, Section # — in the subdivision of CAVES PARK - Plat 2 (name of subdivision) as recorded in Baltimore County Plat Book # 31, Folio # 64, containing 102 1/2 AC Also known as 2 KENMONT CT. (square feet or acres) (property address) and located in the 3 Election District, 3 Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber — Folio — and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

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## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 33-A Date of Posting 8/14/92  
Posted for: Variance  
Petitioner: Melvin R. Trosch  
Location of property: 2 Kenmont Ct. at Marbrook Ct.  
Location of Signs: Kenmont road way on property of petitioner  
Remarks: to be reviewed  
Posted by: Melvin R. Trosch Date of return: 8/15/92  
Number of Signs: 1

111 West Chesapeake Avenue  
Towson, MD 21204

August 31, 1992

(410) 887-3353

Mr. & Mrs. Melvin R. Trosch  
2 Kenmont Ct  
Owings Mills, MD 21117

RE: Item No. 39, Case No. 93-13-A  
Petitioner: Melvin R. Trosch, et ux  
Petition for Administrative Variance

Dear Mr. & Mrs. Trosch:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
Your petition has been received and accepted for filing this  
23th day of July, 1992  
Arnold Jablon  
DIRECTOR  
Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee  
Petitioner: Melvin R. Trosch, et ux  
Petitioner's Attorney:

Development Review Committee Response Form  
Authorized signature: [Signature] Date: 8/27/92  
Project Name: Stonegate at Patapsco (Azeal Property)  
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Zoning Issue: 6-1-92 Meeting Date:  
COUNT 1  
James And Linda Heier 35 8-24-92 NC  
DED DEPRM RP STP TE  
Allan L. Snyder Et. Al. 36 NC  
DED DEPRM RP STP TE  
Salvo Auto Parts 37 NC  
DED DEPRM RP STP TE  
Adela M. Lombardi And Florence Kunsky 38 NC  
DED DEPRM RP STP TE  
Helaine G. And Melvin R. Trosch 39 NC  
DED DEPRM RP STP TE  
Baltimore Country Club of Baltimore City 40 NC  
DED DEPRM RP STP TE  
Robert E. And Cynthia A. Lyons 43 NC  
DED DEPRM RP STP TE  
Perring Woods Court Corporation 44 NC  
DED DEPRM RP STP TE  
Perring Woods Court Corporation 45 NC  
DED DEPRM RP STP TE  
Helen Mooney Murphy 46 NC  
DED DEPRM RP STP TE  
Michael E. Turley 47 comment  
DED DEPRM RP STP TE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Arnold Jablon, Director DATE: August 28, 1992  
Zoning Administration and  
Development Management  
FROM: Ervin Mc Daniel  
Office of Planning and Zoning  
SUBJECT: Petitions from Zoning Advisory Committee  
In reference to the Petitioner's request, staff offers no  
comments on the following items:  
Item No. 35  
Item No. 38  
Item No. 39  
Item No. 46  
Item No. 43  
Item No. 57  
If there should be any further questions or if this office can  
provide additional information, please contact Francis Morsey in the  
Office of Planning at 887-3211.  
EMcD:rdn  
NOCOMMENT/ZAC1

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: [Signature] Date: 8/31/92  
Project Name: Stonegate at Patapsco (Azeal Property)  
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Zoning Issue: 6-1-92 Meeting Date:  
COUNT 1  
James And Linda Heier 35 N/C 8-24-92  
DED DEPRM RP STP TE  
Allan L. Snyder Et. Al. 36 N/C  
DED DEPRM RP STP TE  
Salvo Auto Parts 37 N/C  
DED DEPRM RP STP TE  
Adela M. Lombardi And Florence Kunsky 38 N/C  
DED DEPRM RP STP TE  
Helaine G. And Melvin R. Trosch 39 N/C  
DED DEPRM RP STP TE  
Baltimore Country Club of Baltimore City 40 N/C  
DED DEPRM RP STP TE  
Robert E. And Cynthia A. Lyons 43 N/C  
DED DEPRM RP STP TE  
Perring Woods Court Corporation 44 N/C  
DED DEPRM RP STP TE  
Perring Woods Court Corporation 45 N/C  
DED DEPRM RP STP TE  
Helen Mooney Murphy 46 N/C  
DED DEPRM RP STP TE  
Michael E. Turley 47 N/C

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21204-5500  
(410) 887-4500  
AUGUST 12, 1992  
Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
RE: Property Owner: HELAINE G. TROSCH AND MELVIN R. TROSCH  
Location: #2 KENMONT COURT  
Item No.: \*39 (LJG) Zoning Agenda: AUGUST 17, 1992  
Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.  
7. The Fire Prevention Bureau has no comments at this time.  
REVIEWER: [Signature]  
Planning Group  
Special Inspection Division  
JP/KEK  
RECEIVED  
AUG 17 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: [Signature] Date: 8/31/92  
Project Name: Alfred Pinkard  
File Number: DEPRM RP Waiver Number: No Comment Zoning Issue: 28 8-10-92 Meeting Date:  
Bee Tree Partnership 30  
DEPRM RP No Comment  
Albert F. Baumgart 31  
DEPRM RP No Comment  
Edith B. Ransom 32  
DEPRM RP No Comment  
Michael And Patricia A. Perholtz 33  
DEPRM RP No Comment  
Charles C., Sr. And Patricia G. Chelbda 34  
RP No Comment  
COUNT 6  
James And Linda Heier 35 8-24-92  
DED DEPRM RP STP TE No Comment  
Allan L. Snyder Et. Al. 36  
DED DEPRM RP STP TE No Comment  
Salvo Auto Parts 37  
DED DEPRM RP STP TE J.C. Comment  
Adela M. Lombardi And Florence Kunsky 38  
DED DEPRM RP STP TE No Comment  
Helaine G. And Melvin R. Trosch 39  
DED DEPRM RP STP TE No Comment  
Baltimore Country Club of Baltimore City 40  
DED DEPRM RP STP TE No Comment

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE  
TO: Mr. Arnold Jablon, Director DATE: September 21, 1992  
Zoning Administration and  
Development Management  
FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #33  
5701 Trumps Mill Road  
Zoning Advisory Committee Meeting of August 10, 1992  
The Department of Environmental Protection and Resource Management offers  
the following comments on the above referenced zoning item.  
Development of the property must comply with the Regulations for the  
Protection of Water Quality, Streams, Wetlands and Floodplains.  
LP:sp  
TRUMPS/TXTSBB

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE  
TO: Mr. Arnold Jablon, Director DATE: September 29, 1992  
Zoning Administration and  
Development Management  
FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #39  
2 Kenmont Court - Trosch Property  
Zoning Advisory Committee Meeting of August 17, 1992  
An addition must be constructed at least 20 feet from any part of the  
sewage disposal system. A field inspection will be required prior to  
building permit approval.  
LP:sp  
TRACH/TXTSBB  
RECEIVED  
OCT 5 1992  
ZONING OFFICE



Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

August 13, 1992 (410) 887-3353

Mevin & Helaine Trosch  
2 Kenmont Court  
Owings Mills, Maryland 21117

Re: CASE NUMBER: 93-33-A  
LOCATION: MC Kenmont Court at Marbrook Court  
2 Kenmont Court  
1st Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

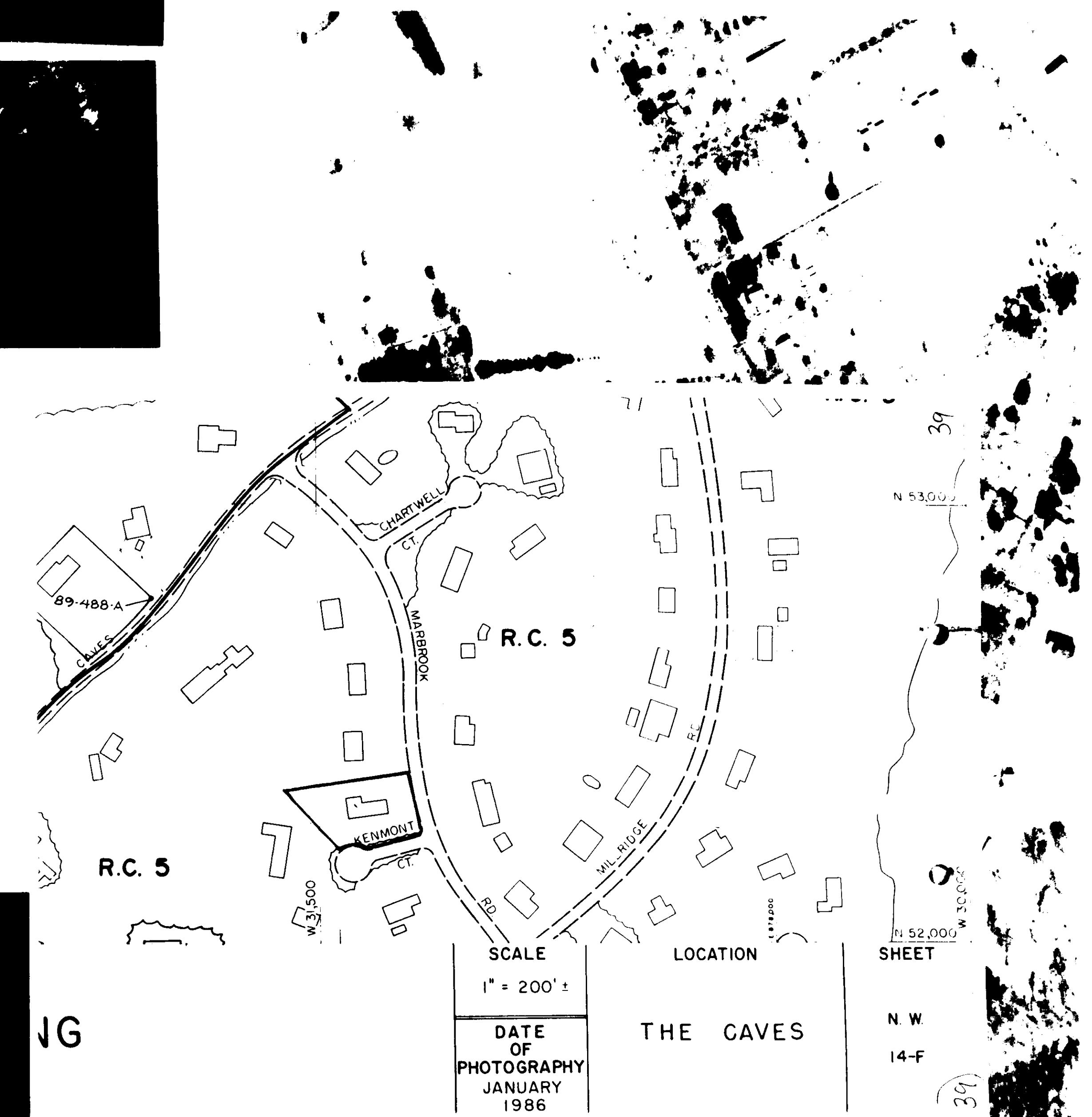
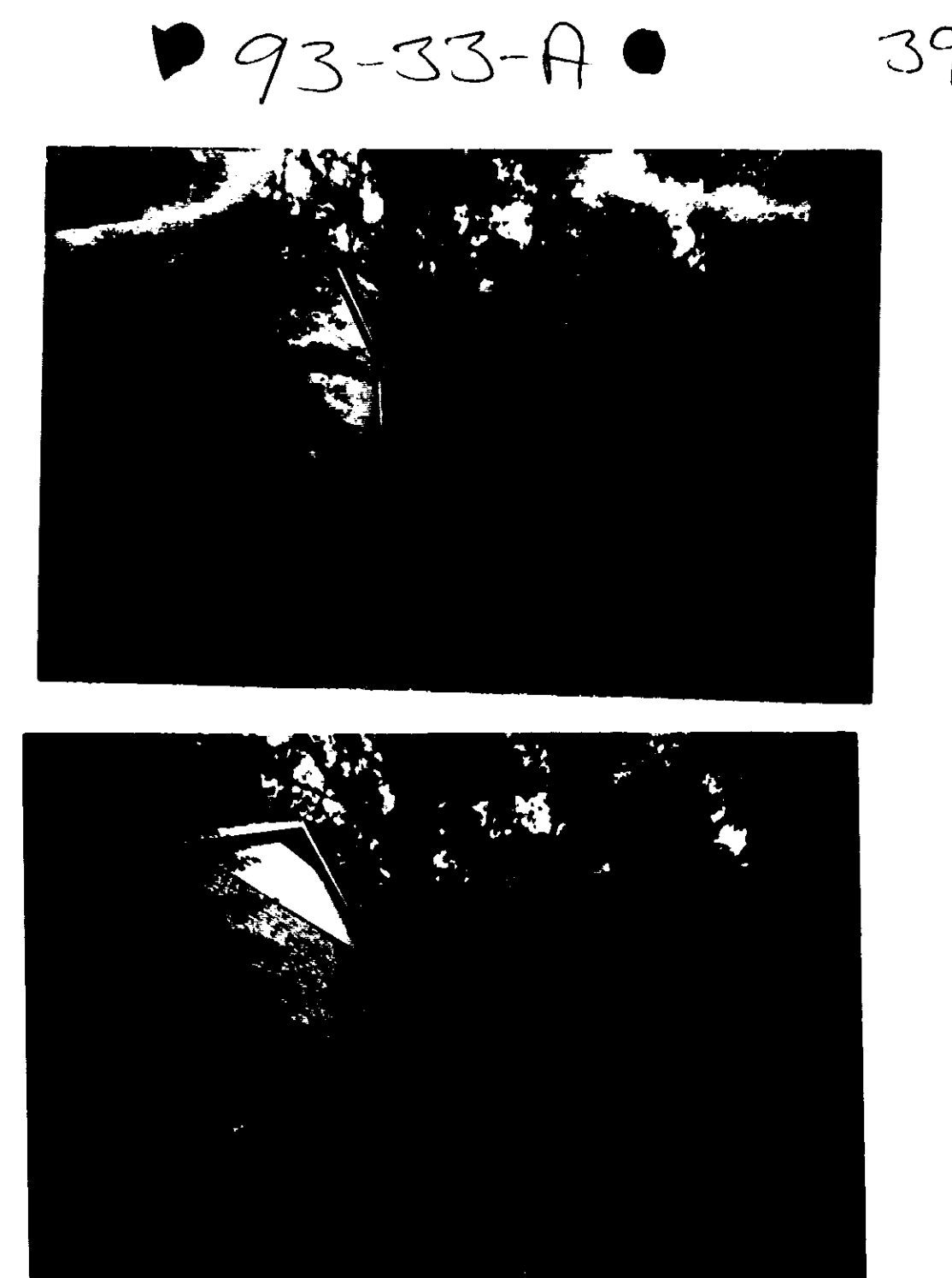
1) Your property will be posted on or before August 23, 1992. The closing date is September 8, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) deem that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Scheidt*  
Lawrence E. Scheidt  
Zoning Commissioner, Baltimore County



**Plat to accompany Petition for Zoning Variance Special Hearing**

PROPERTY ADDRESS: 2 KENMONT COURT  
OWINGS MILLS, MD

Subdivision name: CAVES PARK  
plat book # 31, folio # 64, lot # 3, section # F

OWNER: MELVIN + HELAINE TROSCH

see pages 5 & 6 of the CHECKLIST for additional required information

*Not No*

**SITE PLAN**

1" = 200'

PLAT NO. 2  
SECTION NO. 2  
CAVES PARK  
OWNER: MELVIN + HELAINE TROSCH  
ADDRESS: 2 KENMONT COURT  
OWINGS MILLS, MD 21117

**LOCATION INFORMATION**

Councilmanic District: 3  
Election District: 3  
1" = 200' scale map: NW F 14  
Zoning: RC-5  
Lot size: 1.02±  
acreage square feet

Chesapeake Bay Critical Area: ☐ public ☒ private  
SEWER: ☐ ☒  
WATER: ☐ ☒  
Prior Zoning Hearings: 75-122-A  
TO ALLOW A 30' REAR SETBACK IN LIEU OF 40' GRANTED 12-6-74

**Zoning Office USE ONLY!**

reviewed by: LG ITEM #: 39 CASE#:

North  
date: 8-5-92  
prepared by: Melvin & Helaine Trosch Scale of Drawing: 1" = 30'

**BALTIMORE COUNTY  
OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP**

SCALE  
1" = 200' ±

LOCATION  
THE CAVES

SHEET  
NW  
14-F

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

93-33-A